

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DERRICK MITCHELL, JR., #2036740 §  
VS. § CIVIL ACTION NO. 4:18cv69  
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the court. It is therefore

**ORDERED** that Petitioner's motion for summary judgment (Dkt. #24) is **DENIED**. It is further

**ORDERED** that Petitioner's motion for a ruling on his motion for summary judgment (Dkt. #25) is **GRANTED**.

**SIGNED** this the 27th day of May, 2019.

Richard A. Schell  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE